

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

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SEBASTIEN POCHAT and TONI POCHAT,

*

CIV.08-5015 KES

Plaintiffs,

*

* DECLARATION OF JACK THEELER

v.

*

IN SUPPORT OF DEFENDANT'S

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

*

MOTION FOR PROTECTIVE ORDER

*

Defendants.

*

* * * * *

STATE OF SOUTH DAKOTA)

SS

COUNTY OF DAVISON)

Jack Theeler, being first duly sworn, on oath deposes and states:

1. I am the attorney for Defendant and make this declaration upon my personal information and knowledge.

2. I am attaching to this declaration as Exhibit A a proposed Protective Order for Confidentiality which addresses Defendant's concerns, as set forth in the Brief in Support of Defendant's Motion for Protective Order.

3. The employees' personnel files contain information concerning compensation. The personnel files are a record of our employees' lives. Their lives should not be made an open book simply because Plaintiffs have sued their employer. Said files contain personal identifying information of current and former employees and include confidential information that Defendant would not disclose outside the company because of the highly sensitive and personal nature of this information.

4. The manner and process by which Defendant addresses employee compensation or provides incentives to its employees was developed through considerable time, effort and expense.

5. Information regarding employee compensation and incentives is information unique to Defendant. Defendant has endeavored to keep this information confidential and has not previously allowed this information to be disclosed to competitors who could potentially duplicate or reconstruct Defendant's compensation plans.

6. Defendant has in its possession training materials that are used to assist Defendant's claims personnel in handling claims. The training materials were developed with considerable time, effort and expense. Further, the training materials possess economic value.

7. Defendant's training materials are not disclosed to persons not employed by Defendant.

8. The training materials contain claims handling philosophies and strategies unique to Defendant.

9. Allowing Defendant's training materials to be disseminated without protection could result in economic injury to Defendant as competitors could duplicate or reconstruct claims handling procedures. Insurance companies in direct competition with Defendant could avail themselves of the procedures.


10. Defendant has only produced its training materials pursuant to a protective order/confidentiality agreement.

11. Defendant's claims manuals were developed with considerable time, effort, and expense and possess economic value. Defendant's claims manuals contain confidential information and are not disclosed to persons not employed by Defendant.

12. Allowing Defendant's claims manuals to be disseminated without protection could result in economic injury to Defendant as competitors could duplicate or reconstruct claims manuals. Insurance companies in direct competition with Defendant could avail themselves of the procedures.

13. I am attaching to this declaration as Exhibit B, Plaintiffs' First and Second Sets of Request for Documents.

Dated this 7th day of October, 2008.



Jack (John) Theeler

Subscribed to and sworn to before me this 7th day of October, 2008.



Notary Public

My Commission expires: 11-2-2010

